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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

)

CC Docket No. 97-213

Communications Assistance for

)

Law Enforcement Act (CALEA)

)

COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications Inc., on behalf of itself and its subsidiaries, (collectively referred to as "SBC") supports the petition filed by the Cellular Telecommunications Industry Association (CTIA) to suspend the September 30, 2001 compliance date for implementation of certain assistance capabilities under CALEA until the FCC has completed its proceedings as directed by the U.S. Court of Appeals for the District of Columbia.¹ In its decision, the Court of Appeals reversed and remanded the FCC's determination in the Third Report and Order² to include four "punch list" items proposed by the Department of Justice and Federal Bureau of Investigation in the technical industry standard. These four items – dialed digit extraction, party hold/drop/join, subject-initiated dialing and signaling and in-band/out-band signaling – were among those capabilities to be implemented by September 30, 2001. The Court's decision did not address the remaining two "punch list" items or the packet-mode requirements which must still meet this same deadline date.

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¹ *United States Telecom Association, et al. v. Federal Communications Commission, et al.*, No. 99-1442, slip opinion (D.C. Cir., August 15, 2000).


² In the Matter of the Communications Assistance for Law Enforcement Act, CC Docket No. 97-213, Third Report and Order, FCC 99-230 (rel. August 31, 1999).

While the Commission may commence remand proceedings by the September 30, 2001 date, there is no guarantee that a decision will be released by this deadline. This uncertainty not only affects the carriers' abilities to implement capabilities as yet undecided, but also impacts the deployment of the two "punch list" items and packet-mode requirements which will not be subject to this proceeding. Prior to the Court's decision, manufacturers were beginning to develop software and hardware to meet the standard as set forth by the Third Report and Order. It is unclear to what extent the capabilities remaining can be separated from the four items remanded for the Commission's reconsideration. In any event, there is an inherent delay in changing the manufacturers' requirements. Moreover, the required modifications to the manufacturers' initial plans will result in increased implementation costs to be borne by the carriers. To the extent that these efforts continue and the Commission subsequently adds new capabilities, the costs and confusion shall increase exponentially. Until the issue of what capabilities are to be added to J-STD-025 is resolved, there is no value and significant harm associated with proceeding on the current time schedule.

Staying this implementation activity until there is a resolution as to the capabilities to be included in the technical industry standard is the only practical course of action. The Commission must also bear in mind that depending upon its remand order, the time required for the efficient deployment of an enhanced technical industry standard could be substantial.

Respectfully Submitted,

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September 15, 2000

CERTIFICATE OF SERVICE

I, Loretia Hill, do hereby certify that on this 15th day of September 2000, a copy of the foregoing "Comments" was served by U.S. first class mail, postage paid, to the parties listed on the attached sheets.

A handwritten signature in cursive script, appearing to read "La Cretia D", is written above a horizontal line.

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